

8013945

When Recorded Mail To:
Douglas K. Cummings
Callister Nebeker & McCullough
900 Gateway Tower East
10 East South Temple
Salt Lake City, Utah 84133

8013945
09/27/2001 01:51 PM 21.00
Book - 8504 Pg - 5267-5271
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
CALLISTER NEBEKER & MCCULLOUGH
GATEWAY TOWER EAST STE. 900
SLC UT 84133
BY: RDJ, DEPUTY - MA 5 P.

SCRIBNER'S AFFIDAVIT

COMES NOW, Douglas K. Cummings, and deposes and states as follows:

1. That I represent Gary R. Napel and Susan Despain ("Napel and Despain") regarding the preparation of three Special Warranty Deeds (the "Deeds"). These Special Warranty Deeds were recorded on September 11, 2001, as Entry Numbers 7999361, 799362 and 799363 respectively. I have personal knowledge of the matters set forth herein.

2. That on or about September 6, 2001, I received a legal description from surveyors hired by Napel and Despain to survey the subject property, located in Salt Lake County. From this legal description provided to me from the surveyors I caused three Special Warranty Deeds to be prepared, all utilizing the same legal description, but with differing Grantors and Grantees.

3. That the legal description provided and subsequently included in the Deeds as initially prepared is as follows:

A parcel of land located in the Northwest Quarter of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian, Salt Lake County, State of Utah more fully described as follows:

BEGINNING at the southeast corner of that property described in that certain Special Warranty Deed recorded as Entry No. 6889194 in Book 7906 at Page 2257 of the Salt Lake County records, said point being North 89°50'31" East 1519.02 feet and North 00°09'29" West 1079.06 feet from the West Quarter Corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and thence North 18°29'00" East 218.75 feet along the east line of said property described in Book 7906 at Page 2257 and the northeasterly extension of said east line; thence South 74°01'35" East 259.66 feet; thence South 01°45'55" East 137.88 feet; thence South 18°29'00" West 50.00 feet to the center of Little Cottonwood Creek as

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described in that certain Special Warranty Deed recorded as Entry No. 6276521 in Book 7326 at Page 2901 of said records; thence North 89°40'00" West 142.38 feet; thence North 73°39'18" West 171.96 feet to the POINT OF BEGINNING. Said parcel contains 1.42 acres, more or less.

4. That subsequent to recording, it was discovered that the legal description provided in the Deeds was missing two courses.

5. That the correct legal description for the subject property as shown on each of the Deeds is as follows:

A parcel of land located in the Northwest Quarter of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian, Salt Lake County, State of Utah more fully described as follows:

BEGINNING at the southeast corner of that property described in that certain Special Warranty Deed recorded as Entry No. 6889194 in Book 7906 at Page 2257 of the Salt Lake County records, said point being North 89°50'31" East 1519.02 feet, North 00°09'29" West 1079.06 feet, North 69°47'18" East 69.91 feet, and South 84°11'40" East 153.69 feet from the West Quarter Corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and thence North 18°29'00" East 218.75 feet along the east line of said property described in Book 7906 at Page 2257 and the northeasterly extension of said east line; thence South 74°01'35" East 259.66 feet; thence South 01°45'55" East 137.88 feet; thence South 18°29'00" West 50.00 feet to the center of Little Cottonwood Creek as described in that certain Special Warranty Deed recorded as Entry No. 6276521 in Book 7326 at Page 2901 of said records; thence North 89°40'00" West 142.38 feet; thence North 73°39'18" West 171.96 feet to the POINT OF BEGINNING. Said parcel contains 1.42 acres, more or less.

TOGETHER WITH AND SUBJECT TO THE FOLLOWING DESCRIBED:

PRIVATE RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT 1

A private right-of-way and public utility easement located in the Northwest Quarter of Section 12, Township 3 South, Range 1 East, Salt

Lake Base and Meridian, Salt Lake County, State of Utah, more fully described as follows:

BEGINNING at a point North 89°50'31" East 1519.02 feet, North 00°09'29" West 1079.06 feet, North 69°47'18" East 69.91 feet, South 84°11'40" East 153.69 feet to the southeast corner of that property described in that certain Special Warranty Deed recorded as Entry No. 6889194 in Book 7906 at Page 2257 of the Salt Lake County records, North 18°29'00" East 218.75 feet along the east line of said property described in Book 7906 at Page 2257 and the northeasterly extension of said east line, South 74°01'35" East 259.66 feet, and South 01°45'55" East 81.05 feet from the West Quarter Corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and thence South 01°45'55" East 20.20 feet; thence South 83°36'30" East 55.54 feet to a point of tangency of a 30.00 foot radius curve to the right; thence Southeasterly 31.04 feet along said curve through a central angle of 59°16'30"; thence South 24°20'00" East 20.28 feet; thence North 65°40'00" East 20.00 feet; thence North 24°20'00" West 5.00 feet; to a point of tangency of a 30.00 foot radius curve to the right; thence Northeasterly 62.31 feet along said curve through a central angle of 119°00'00"; thence North 04°40'00" East 20.00 feet to a point of non-tangency of a 185.00 foot radius curve to the left of which the radius point bears South 24°20'00" East; thence Southwesterly 89.55 feet along said curve through a central angle of 27°43'59" to a point of reverse curvature of a 30.00 foot radius curve to the right; thence Southwesterly 15.42 feet along said curve through a central angle of 29°27'29"; thence North 83°36'30" West 33.31 feet to the POINT OF BEGINNING. Said private right-of-way and public utility easement encompasses 0.10 acres, more or less.

PRIVATE RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT 2

A 20 foot wide private right-of-way and public utility easement located in the Northwest Quarter of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian, Salt Lake County, State of Utah, lying 10 feet on each side of the following described centerline:

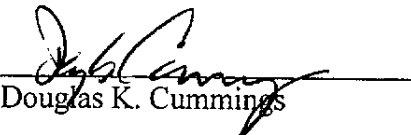
BEGINNING at a point North 89°50'31" East 1519.02 feet, North 00°09'29" West 1079.06 feet, North 69°47'18" East 69.91 feet, South 84°11'40" East 153.69 feet to the southeast corner of that property described in that certain Special Warranty Deed recorded as Entry No.

6889194 in Book 7906 at Page 2257 of the Salt Lake County records, North 18°29'00" East 218.75 feet along the east line of said property described in Book 7906 at Page 2257 and the northeasterly extension of said east line, South 74°01'35" East 259.66 feet, South 01°45'55" East 81.05 feet, South 83°36'30" East 33.31 feet to a point of tangency of a 30.00 foot radius curve to the left, thence Northeasterly 15.42 feet along said curve through a central angle of 29°27'29" to a point of reverse curvature of a 185.00 foot radius curve to the right, thence Northeasterly 89.55 feet along said curve through a central angle of 27°43'59", and South 04°40'00" West 10.00 feet from the West Quarter Corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and thence South 85°20'00" East 139.62 feet to a point of tangency of a 100.00 foot radius curve to the right; thence Southeasterly 7.77 feet along said curve through a central angle of 4°27'00"; thence South 80°53'00" East 105.70 feet to a point of tangency of a 100.00 foot radius curve to the right; thence Southeasterly 34.74 feet along said curve through a central angle of 19°54'15"; thence South 60°58'45" East 69.39 feet to a point of tangency of a 37.50 foot radius curve to the left; thence Northeasterly 125.74 feet along said curve through a central angle of 192°06'45" to a point 10 feet perpendicularly distant southerly of the south right-of-way line of North Little Cottonwood Creek Road (UT 210, UDOT Project No. S-315(1)); thence North 73°05'30" West 201.37 feet to a point of tangency of a 1230.92 foot radius curve to the right; thence Northwesterly 440.42 feet along said curve through a central angle of 20°30'01" to a point 10 feet radially distant southerly of said south right-of-way line and the POINT OF TERMINUS of the herein described centerline. Said Easement encompasses 0.52 acres, more or less.

6. The tax I.D. Number for the existing parcel is 28-12-176-006. The above-described legal description is a new parcel, and will need a new tax identification number assigned to the parcel.

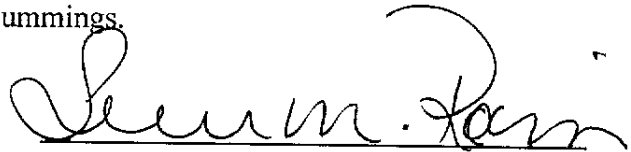
FURTHER AFFIANT SAYETH NOT.

DATED this 25 day of September, 2001.


Douglas K. Cummings

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

The foregoing *Scribner's Affidavit* was subscribed and sworn before me this 26th
day of September, 2001, by Douglas K. Cummings.



NOTARY PUBLIC

Residing At:

My Commission Expires:

